

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Vic Jira et al.

Application No.: 09/935,344

Filed: August 23, 2001

Art Unit: 1648

For: VIRAL VACCINE COMPOSITION, PROCESS
AND METHODS OF USE

Examiner: Z. Lucas

SUMMARY OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

An interview of the above-captioned application was conducted at the USPTO on April 22, 2005. Examiner Zachariah Lucas, Supervisory Patent Examiner James Housel, Dr. Aldar Bourinbaiar, Scientific Director of Immunitor, and Dr. Thor B. Nielsen, Counsel for Applicant were present.

The invention, as claimed, was discussed in light of the prior art of record.

Dr. Bourinbaiar presented physical examples of vaccines prepared by the method of the invention as evidence useful to demonstrate enablement of the invention. Thus, samples of pills made from the influenza A subtype immunogens H5N3 and H5N1 were shown and discussed. The combination product was also shown and the advantages discussed. Also, Dr. Bourinbaiar discussed several other vaccine pills, including: V1 comprising both HIV and hepatitis antigens, V2 having bacterial antigens, and V3 having tumor antigens. Moreover, Dr. Bourinbaiar discussed several scientific articles directed to V1 which showed a therapeutic efficacy with regard to HIV and/or hepatitis infections.

Examiner Lucas and SPE Housel explained the USPTO position on therapeutic compositions and vaccines. Furthermore, they elaborated on the USPTO's working distinction between a vaccine and a composition for inducing an immune response.


With respect to independent claims 3 and 5, and the claims that depend therefrom, Mr. Nielsen discussed the claim limitation "formulated as an oral pill" in the context of stimulating mucosal immunity. The effect of heat treatment on the structure of antigens was discussed.

No agreement was reached.

Applicant believes no fee is due with this summary. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22220-00003-US from which the undersigned is authorized to draw.

Dated: May 9, 2005

Respectfully submitted,

By 
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